



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329
(916) 322-5660 • Fax (916) 322-0886

March 11, 2010

✓ Mr. Harelston Abram Wilson
Abram Wilson for Assembly

REDACTED

Warning Letter Re: FPPC No. 08/626, Abram Wilson For Assembly

Dear Mr. Wilson:

The Fair Political Practices Commission (the "FPPC") enforces the provisions of the Political Reform Act (the "Act"),¹ found in Government Code section 81000, et seq. This letter is in response to a complaint filed against you that alleged you and the Abram Wilson for Assembly committee failed to disclose non-monetary contributions to your campaign from the California Republican Party.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that you had knowledge of two non-monetary contributions made by the California Republican Party that were made on September 17, 2008 and September 23, 2008, respectively, but failed to report them until October 9, 2008. However, your committee treasurer reported the contributions as soon as she learned of them and they were accurately reported substantially before the November 6, 2008 election. Additionally, the other non-monetary contributions that were the subject of the complaint were "member communications" by the California Republican Party and, thus, were not reportable by you and your committee.

The Act provides that candidates for elective state office are required to file reports electronically with the Secretary of State provided that the total cumulative reportable amount of

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

contributions received, expenditures made, loans made, or loans received is fifty thousand dollars (\$50,000) or more. (Section 84605) A candidate for elective state office who is required to file reports pursuant to Section 84605 shall file online or electronically with the Secretary of State a report disclosing receipt of a contribution of one thousand dollars (\$1,000) or more received during and election cycle. Those reports shall be filed within 24 hours of receipt of the contributions. (Section 85309)

Under Section 85312 of the Act, payments made by a political party for communications to its members who are registered with that party which would otherwise qualify as contributions or expenditures shall be reported by the political party, but do not need to be reported by the candidate.

Your actions violated the Act because you were a candidate for state elective office who had received more than fifty thousand dollars (\$50,000) in total contributions and, thus, had a duty to file electronic reports within 24 hours for contributions received that were over one thousand dollars (\$1,000). On September 17, 2008 and September 23, 2008 you received non-monetary contributions of two hundred thousand dollars (\$200,000) and two hundred and seventy five thousand dollars (\$275,000), respectively, from the California Republican Party but failed to report them until October 9, 2008. These contributions were required to be reported within 24 hours of receipt. However, due to the mitigating circumstances previously identified, we have decided to close this case with a warning letter.

This letter serves as a written warning. The information in this matter will be retained and may be considered should an enforcement action become necessary based on newly discovered information or future conduct. Failure to comply with the provisions of the Act in the future will result in monetary penalties of up to \$5,000 for each violation.

A warning letter is an FPPC case resolution without administrative prosecution or fine. However, the warning letter resolution does not provide you with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Fair Political Practices Commission. If you wish to avail yourself of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within ten (10) days from the date of this letter. Upon this notification, the FPPC will rescind this warning letter and proceed with administrative prosecution of this case. If we do not receive such notification, this warning letter will be posted on the FPPC's website ten (10) days from the date of this letter.

Please feel free to contact me with any questions you may have regarding this letter.

Sincerely,

REDACTED

✓
GARY S. WINUK
Chief, Enforcement Division